

DECLARATION OF PLAINTIFF CHARLENE JAMES

I, **CHARLENE JAMES**, hereby declare under penalty of perjury under the laws of the United States of America that the following is true:

1. I was a security guard worker employed by T&H Security, Inc., Citadel Special Events Services, Inc. and their owners/managers, Thomas Ferrara, Reida Ferrara, and Tyrone A. Yoris (together “Defendants”) from on or about January 2003 until on or about January 9, 2008 (the “time period”).

2. I worked as a security guard for Defendants at a number of locations including but not limited to: The Jacob Javitz Center (located at 34th Street and 11th Ave.), Piers 92 and 94 (located on 54th street and 12th Ave.), The Nokia Theatre located at about 43rd Street), The Metropolitan Pavilion, and Bryant Park (located at 42nd Street between 5th and 6th Avenues).

3. Upon information and belief I worked for Defendants with at least 40 other similar security guard employees who had the same duties as myself.

4. My duties did not include managerial responsibilities or the exercise of independent business judgment.

5. During the time period, I worked an average of 60 hours per week.

6. Defendants first paid me an hourly wage of from \$10.00 per hour and then on or about June 2007 increased my hourly rate to \$11.00.

7. Defendants did not pay me time and one half for any of my hours worked over 40 in a week (“overtime”).

8. Defendants did not pay me my regular hourly rate for all of the hours that I worked.

9. I was required to wear a uniform provided by the Defendants but was never paid for the cost of cleaning the uniform.

10. I was signed in and out by my supervisor in a daily log book kept by Defendants. Often my supervisor signed me out as of a time which was earlier than the time that I actually stopped working. Accordingly, the sign-out sheets often did not reflect the time that I actually signed out.

11. I have attached as Exhibit A a copy of certain of my payroll receipts and time records, demonstrating that I was not paid by Defendants for all my hours worked and was not paid by Defendants time and one half for my overtime hours worked.

12. In addition to myself, during the time period, I am aware and have personal knowledge of other persons employed by Defendants as security guard workers who performed the same or similar work as myself. Upon information and belief, Defendants hired at least 40 of such similar security guard workers.

13. I and the other similar security guard employees regularly worked more than 40 hours per week for Defendants.

14. I and these other similar security guard employees worked more than 40 hours per week and were not paid time and one half for our overtime hours.

15. I know that others like me worked overtime and were not paid overtime by Defendants because I observed the other security guard employees working more than 40 hours in a week and discussed the issue with certain of these other similar security guard employees, who said that they worked more than 40 hours per week and that Defendants did not pay them time and one half their regular hourly rate for their overtime hours and did not pay them even at their regular hourly rate for all the hours that they worked. They

all have stated to me that they worked as security guard workers for Defendants and worked more than 40 hours per week and were not paid time and one half for their hours worked over 40 in a workweek.

16. I repeatedly complained to my supervisor, Ian, about not being paid time and one half for overtime. He told me that Defendants had a policy not to pay overtime at time and one half to any security guard employees and said that I was not entitled to overtime because I worked for a private company.

17. Throughout the time period that I worked at Defendants, and, upon information and belief, both before that time and continuing until the present, Defendants have likewise employed other individuals, like myself, in positions as security guard workers.

18. Such individuals have worked in excess of 10 hours per day and/or 40 hours a week, yet the Defendants have likewise willfully failed to pay them overtime compensation of one and one-half times their regular hourly rate.

Dated: March 14, 2008

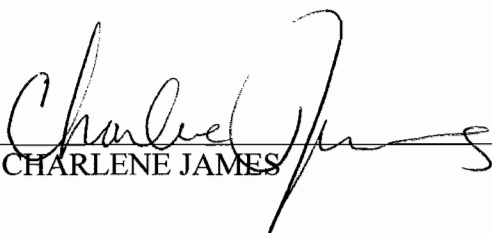

CHARLENE JAMES

EXHIBIT A

TO

DECLARATION OF PLAINTIFF CHARLENE JAMES



Earnings Statement

CO. FILE DEPT. CLOCK NUMBER 040
HGM 008066 001 0000001950 1

Period Ending: 04/04/2006
Pay Date: 04/14/2006

CITADEL SPECIAL EVENTS SERVICE
34 91ST STREET
BROOKLYN, NY 11209

CHARLENE JAMES
1115 CLAY AVE #5H
BRONX, NY 10456

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 3
State: 3
Local: 3

Social Security Number: XXX-XX-4139

Earnings	rate	hours	this period	year to date
Regular	10.0000	103.00	1,030.00	
Gross Pay			\$1,030.00	6,291.00

Deductions	Statutory	
Federal Income Tax	-67.95	124.87
Social Security Tax	-63.86	390.04
Medicare Tax	-14.94	91.25
NY State Income Tax	-30.18	72.66
New York Cit Income Tax	-19.46	52.86
NY SUI/SDI Tax	-1.20	15.46
Net Pay		\$832.41

Your federal taxable wages this period are
\$1,030.00



Earnings Statement

CO. FILE DEPT. CLOCK NUMBER 040
HGM 008066 001 0000002173 1

Period Ending: 06/19/2006
Pay Date: 06/30/2006

CITADEL SPECIAL EVENTS SERVICE
34 91ST STREET
BROOKLYN, NY 11209

CHARLENE JAMES
1115 CLAY AVE #5H
BRONX, NY 10456

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 3
State: 3
Local: 3

Social Security Number: XXX-XX-4139

Earnings	rate	hours	this period	year to date
Regular	10.0000	17.00	170.00	
Gross Pay			\$170.00	7,846.00

Deductions	Statutory	
Social Security Tax	-10.54	486.45
Medicare Tax	-2.47	113.77
NY SUI/SDI Tax	-0.85	20.98
Federal Income Tax		130.10
NY State Income Tax		78.73
New York Cit Income Tax		57.64
Net Pay		\$155.14

Your federal taxable wages this period are \$170.00

008066

0000002173



Earnings Statement

Period Ending: 06/23/2006
Pay Date: 06/30/2006

CHARLENE JAMES
1115 CLAY AVE #5H
BRONX, NY 10456

CO. FILE DEPT. CLOCK NUMBER 040
HAM 008066 001 0000002163 1

CITADEL SPECIAL EVENTS SERVICE
34 91ST STREET
BROOKLYN, NY 11209

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 3
State: 3
Local: 3

Social Security Number: XXX-XX-4139

Earnings	rate	hours	this period	year to date
Regular	10.0000	53.30	535.00	
			Gross Pay	7,676.00

Deductions	Statutory
Federal Income Tax	-5.23
Social Security Tax	-33.17
Medicare Tax	-7.76
NY State Income Tax	-6.05
New York Cit Income Tax	-4.32
NY SUI/SDI Tax	-1.20
	Net Pay

9477.27

Your federal taxable wages this period are \$535.00

COPY

COPY



Earnings Statement

CO. FILE DEPT. CLOCK NUMBER 040
HGM 008066 001 0000002214 1

Period Ending: 07/07/2006
Pay Date: 07/14/2006

CITADEL SPECIAL EVENTS SERVICE
34 91ST STREET
BROOKLYN, NY 11209

CHARLENE JAMES
1115 CLAY AVE #5H
BRONX, NY 10456

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 3
State: 3
Local: 3

Social Security Number: XXX-XX-4139

Earnings	rate	hours	this period	year to date
Regular	10.0000	46.00	460.00	
Gross Pay			\$460.00	8,306.00

Deductions	Statutory	
Social Security Tax	-28.52	514.97
Medicare Tax	-6.67	120.44
NY State Income Tax	-3.05	81.78
New York Cit Income Tax	-2.89	60.53
NY SUI/SDI Tax	-1.20	22.18
Federal Income Tax		130.10
Net Pay		\$417.67

Your federal taxable wages this period are \$460.00

copy



Earnings Statement

CO. FILE DEPT. CLOCK NUMBER 040
HGM 008066 001 000002254 1

CITADEL SPECIAL EVENTS SERVICE
34 91ST STREET
BROOKLYN, NY 11209

Period Ending: 07/13/2006
Pay Date: 07/28/2006

CHARLENE JAMES
1115 CLAY AVE #5H
BRONX, NY 10456

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 3
State: 3
Local: 3

Social Security Number: XXX-XX-4139

year to date

rate hours this period

Earnings

Regular	10.0000	53.00	530.00
Gross Pay			\$530.00
			8,836.00

Deductions

Federal Income Tax	-4.73
Social Security Tax	-32.86
Medicare Tax	-7.68
NY State Income Tax	-5.85
New York Cit Income Tax	-4.22
NY SUI/SDI Tax	-1.20

134.83
547.83
128.12
87.63
64.75
23.38

Net Pay \$473.46

Your federal taxable wages this period are \$530.00

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Earnings Statement

CO. FILE DEPT. CLOCK NUMBER 040
HGM 008066 001 0000002463 1

CITADEL SPECIAL EVENTS SERVICE
34 91ST STREET
BROOKLYN, NY 11209

Period Ending: 09/15/2006
Pay Date: 09/22/2006

CHARLENE JAMES
1115 CLAY AVE #5H
BRONX, NY 10456

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 3
State: 3
Local: 3

Social Security Number: XXX-XX-4139

Earnings	rate		this period		year to date
	hours		hours		
Regular	27.00		27.00		
					10,411.00
Deductions	rate		this period		year to date
	hours		hours		
Social Security Tax				-16.74	645.48
Medicare Tax				-3.92	150.96
NY SUI/SDI Tax				-1.20	29.78
Federal Income Tax					134.83
NY State Income Tax					87.63
New York Cit Income Tax					67.11
Net Pay				\$249.14	

Your federal taxable wages this period are \$270.00

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Earnings Statement

Period Ending:	09/22/2006
Pay Date:	10/06/2006

CHARLENE JAMES
11115 CLAY AVE #5H
BRONX, NY 10456

CO.	FILE	DEPT.	CLOCK	NUMBER	040
HGM	008066	001		0000002570	1

CITADEL SPECIAL EVENTS SERVICE
34 91ST STREET
BROOKLYN, NY 11209

Taxable Marital Status: Single
Exemptions/Allowances:
 Federal: 3
 State: 3
 Local: 3

Social Security Number: XXX-XX-4139

Earnings	rate	hours	this period	year to date
Regular	19.0000	62.50	1,205.00	
Gross Pay			1,205.00	11,476.00
Deductions				
Statutory				
Federal Income Tax			-14.23	149.06
Social Security Tax			-38.75	711.51
Medicare Tax			-9.06	166.40
NY State Income Tax			-9.65	99.53
New York Cit Income Tax			-6.09	75.71
NY SUI/SDI Tax			-0.22	31.20
Net Pay			\$547.00	

Your federal taxable wages this period are \$625.00

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Earnings Statement

Period Ending: 02/03/2007
Pay Date: 02/09/2007

CHARLENE JAMES
115 CLAY AVE 5H
BROOKLYN NY 10456

CO. FILE DEPT. CLOCK NUMBER 040
5CR 006906 001 0000226941 1

T & H SECURITY INC.
D/B/A CITADEL SECURITY AGENCY
P.O. BOX 348
BROOKLYN, NY 11209

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 1
State: 1
Local: 1

Social Security Number: XXX-XX-4139

Earnings	rate	hours	this period	year to date
Regular	10.0000	12.00	120.00	
Gross Pay			\$120.00	1,175.00

Deductions	Statutory
Social Security Tax	-7.44
Medicare Tax	-1.74
NY SUN/SDI Tax	-0.66
Federal Income Tax	49.96
NY State Income Tax	10.46
New York Cit Income Tax	7.86
Net Pay	\$110.22

Your federal taxable wages this period are \$120.00

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Earnings Statement

CO. FILE DEPT. CLOCK NUMBER 040
5CR 006906 001 0000227049 1

Period Ending: 02/07/2007
Pay Date: 02/23/2007

T & H SECURITY INC.
D/B/A CITADEL SECURITY AGENCY
P.O. BOX 348
BROOKLYN, NY 11209

CHARLENE JAMES
115 CLAY AVE 5H
BROOKLYN NY 10456

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 1
State: 1
Local: 1

Social Security Number: XXX-XX-4139

Earnings	rate	hours	this period	year to date
Regular	10.0000	50.00	500.00	
Gross Pay				1,675.00

Deductions	Statutory	
Federal Income Tax	-26.73	67.69
Social Security Tax	-31.00	103.85
Medicare Tax	-7.25	24.29
NY State Income Tax	-7.73	18.19
New York Cit Income Tax	-5.12	12.98
NY SUI/SDI Tax	-1.20	5.10
Net Pay		\$420.97

Your federal taxable wages this period are \$500.00

303

303

CO. FILE DEPT. CLOCK NUMBER 040
5CR 006906 001 0000227249 1

T & H SECURITY INC.
D/B/A CITADEL SECURITY AGENCY
P.O. BOX 348
BROOKLYN, NY 11209

Period Ending: 03/17/2007
Pay Date: 03/23/2007

Earnings Statement

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 1
State: 1
Local: 1

CHARLENE JAMES
115 CLAY AVE 5H
BROOKLYN NY 10456

Social Security Number: XXX-XX-4139

Earnings	rate	hours	this period	year to date
Regular	10.0000	23.00	230.00	
Gross Pay			\$230.00	3,900.00

Deductions	Statutory	
Social Security Tax	-14.26	241.80
Medicare Tax	+3.33	56.55
NY (SU/SD) Tax	-1.15	11.63
Federal Income Tax		170.63
NY State Income Tax		44.46
New York Cit Income Tax		32.47
Net Pay	\$211.25	

Your federal taxable wages this period are \$230.00





Earnings Statement

Period Ending: 03/19/2007
Pay Date: 03/23/2007

CHARLENE JAMES
115 CLAY AVE 5H
BROOKLYN NY 10456

CO. FILE DEPT. CLOCK NUMBER 040
5CR 006906 001 0000227201 1

T & H SECURITY INC.
D/B/A CITADEL SECURITY AGENCY
P.O. BOX 348
BROOKLYN, NY 11209

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 1
State: 1
Local: 1

Social Security Number: XXX-XX-4139

Earnings	rate		this period	year to date
	hours			
Regular	55.50		555.00	
			Gross Pay	3,670.00
Deductions	Statutory			
			Federal Income Tax	170.63
			Social Security Tax	227.54
			Medicare Tax	53.22
			NY State Income Tax	44.46
			New York Cit Income Tax	32.47
			NY SUI/SDI Tax	10.48
			Net Pay	\$161.14

Your federal taxable wages this period are \$555.00

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Earnings Statement

CO. FILE DEPT. CLOCK NUMBER 040
5CR 006906 001 0000227477 1

T & H SECURITY INC.
D/B/A CITADEL SECURITY AGENCY
P.O. BOX 348
BROOKLYN, NY 11209

Period Ending: 04/28/2007
Pay Date: 05/04/2007

CHARLENE JAMES
115 CLAY AVE 5H
BROOKLYN NY 10456

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 1
State: 1
Local: 1

Social Security Number: XXX-XX-4139

Earnings	rate	hours	this period	year to date
Regular	10.0000	88.00	880.00	
	Gross Pay		\$880.00	5,010.00

Deductions	Statutory	
	Federal Income Tax	-82.74
	Social Security Tax	-54.56
	Medicare Tax	-12.76
	NY State Income Tax	-25.86
	New York City Income Tax	-16.76
	NY SUI/SDI Tax	-1.20
	Net Pay	\$685.12

Your federal taxable wages this period are \$880.00



Earnings Statement

CO. FILE DEPT. CLOCK NUMBER 040
5CR 006906 001 0000227789 1

Period Ending: 06/22/2007
Pay Date: 06/29/2007

T & H SECURITY INC.
D/B/A CITADEL SECURITY AGENCY
P.O. BOX 348
BROOKLYN, NY 11209

CHARLENE JAMES
115 CLAY AVE 5H
BROOKLYN NY 10456

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 1
State: 1
Local: 1

Social Security Number: XXX-XX-4139

	Rate		Hours		This Period		Year to Date	
	Rate	Hours	Rate	Hours	This Period	Year to Date	Rate	Hours
Earnings								
Regular	11.0000	75.50			830.50			
						7,407.50		
Gross Pay								
Deductions								
Statutory								
Federal Income Tax					75.32		465.22	
Social Security Tax					51.50		459.27	
Medicare Tax					12.04		107.41	
NY State Income Tax					22.94		134.76	
New York Cit Income Tax					14.92		91.29	
NY SUI/SBI Tax					1.20		17.98	
Net Pay								

Your federal taxable wages this period are \$830.50

Important Notes

YOUR HOURLY RATE HAS BEEN CHANGED FROM 10.0000 TO 11.0000.

CO. FILE DEPT. CLOCK NUMBER 040
5CR 006906 001 0000227815 1

T & H SECURITY INC.
D/B/A CITADEL SECURITY AGENCY
P.O. BOX 348
BROOKLYN, NY 11209

Earnings Statement

Period Ending: 06/29/2007
Pay Date: 07/13/2007

CHARLENE JAMES
115 CLAY AVE 5H
BROOKLYN NY 10456

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 1
State: 1
Local: 1

Social Security Number: XXX-XX-4139

Earnings	rate	hours	time period	year to date
Regular	11.0000	50.50	555.50	
Gross Pay				7,963.00

Deductions	Statutory	
Federal Income Tax	-34.07	499.29
Social Security Tax	-34.44	493.71
Medicare Tax	-8.05	115.46
NY State Income Tax	-9.95	144.71
New York City Income Tax	-6.29	97.58
NY SUI/SDI Tax	-1.20	18.78
Net Pay		\$461.50

Your federal taxable wages this period are \$555.50





Earnings Statement

Period Ending: 07/06/2007
Pay Date: 07/13/2007

CHARLENE JAMES
115 CLAY AVE 5H
BROOKLYN NY 10456

CO. FILE DEPT. CLOCK NUMBER 040
SCR 006906 001 0000227843 2

T & H SECURITY INC.
DB/A CITADEL SECURITY AGENCY
P.O. BOX 348
BROOKLYN, NY 11209

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 1
State: 1
Local: 1

Social Security Number: XXX-XX-4139

Earnings	rate	hours	this period	year to date
Regular	11.0000	35.00	385.00	
Gross Pay			\$385.00	8,436.00

Deductions	Statutory			
Federal Income Tax	-15.23			514.52
Social Security Tax	-20.30			523.00
Medicare Tax	-6.86			122.32
NY State Income Tax	-3.13			147.84
New York City Income Tax	-2.93			100.51
NY SUI/SDI Tax	-1.20			19.98
Net Pay			\$325.33	

Your federal taxable wages this period are \$385.00

CO. FILE DEPT. CLOCK NUMBER 040
5CR 006906 001 0000227921 1

T & H SECURITY INC.
DB/A CITADEL SECURITY AGENCY
P.O. BOX 348
BROOKLYN, NY 11209

Earnings Statement



Period Ending: 07/12/2007
Pay Date: 07/27/2007

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 1
State: 1
Local: 1

CHARLENE JAMES
115 CLAY AVE 5H
BROOKLYN NY 10456

Social Security Number: XXX-XX-4139

Earnings	rate	hours	this period	year to date
Regular	11.0000	52.50	577.50	
Gross Pay			\$577.50	9,013.50

Deductions	Statutory	
Federal Income Tax	-37.37	551.89
Social Security Tax	-35.81	558.84
Medicare Tax	-8.38	130.70
NY State Income Tax	-10.93	158.67
New York City Income Tax	-6.96	107.47
NY SUI/SDI Tax	-1.20	21.18
Net Pay		\$476.95

Your federal taxable wages this period are \$577.50

CO. FILE DEPT. CLOCK NUMBER 040
5CR 006906 001 0000227999 1

T & H SECURITY INC.
D/B/A CITADEL SECURITY AGENCY
P.O. BOX 348
BROOKLYN, NY 11209

Taxable Marital Status: Single
Exemptions/Allowances:

Federal: 1
State: 1
Local: 1

Social Security Number: XXX-XX-4139

Earnings	rate	hours	this period	year to date
Regular	11.0000	49.00	539.00	
Gross Pay			\$539.00	9,552.50

Deductions	Statutory	this period	year to date
	Federal Income Tax	-31.59	583.48
	Social Security Tax	-33.42	592.26
	Medicare Tax	-7.81	138.51
	NY State Income Tax	-9.29	167.86
	New York City Income Tax	-5.85	113.32
	NY SUI/SD Tax	-1.20	22.38
Net Pay		\$429.94	

Your federal taxable wages this period are \$539.00

Earnings Statement

Period Ending: 07/27/2007
Pay Date: 08/10/2007

CHARLENE JAMES
115 CLAY AVE 5H
BROOKLYN NY 10456





Earnings Statement

CO. FILE DEPT. CLOCK NUMBER 040
 SCR 006906 001 0000228041 1

Period Ending: 07/31/2007
 Pay Date: 08/10/2007

T & H SECURITY INC.
 D/B/A CITADEL SECURITY AGENCY
 P.O. BOX 348
 BROOKLYN, NY 11209

CHARLENE JAMES
115 CLAY AVE 5H
BROOKLYN NY 10456

Taxable Marital Status: Single
 Exemptions/Allowances:
 Federal: 1
 State: 1
 Local: 1

Social Security Number: XXX-XX-4139

Earnings	rate	hours	this period	year to date
Regular	11.0000	60.50	\$665.50	
Gross Pay			\$665.50	10,218.00

Deductions	rate	hours	this period	year to date
Federal Income Tax			50.57	634.05
Social Security Tax			41.26	633.52
Medicare Tax			9.65	148.16
NY State Income Tax			14.60	182.56
New York City Income Tax			9.68	123.00
NY SUI/SDI Tax			1.20	23.58
Net Pay			\$538.54	

Your federal taxable wages this period are \$665.50



March 17th
17th
18th
19th
20th
Fri-7-7
Sat-7-7
Sun-7-7
Mon-7-7
Tue-7-7
Wed-7-7
Thur-7-7
↓
Dier 94
Fri-Sat
7-7-77

EWK childrens

Club

1B
Hall July 27th
8-7:15 = 11 hrs

28th 7:15-7:15 PM 12
29th 7:15-7:15 12
30th 7:15-7:15 12
31 7-9

Intermet
Sat 7:30-7:30
Sun 7:30-7:30
Mon 7:15-7:00
Tue 7:15-9:00

collective EWK
Sun 7-7 ✓
mon 7-7 ✓

Tue 7-7 ✓
Wed 7-10 | 7:15-8:30
K-8 13 1/2 hrs
Per 94 hrs

49 1/2 hrs

anyt 40 hrs 5/19S

any 5 hrs 7-12pm 5 hrs

05:11 - 05:19 - 2 PM

12 - 1-1 - anyt

05:11 - 5:19 - 6:15 - 11:50

05:11 - 05:19 - 6:15 - 11:50

26th

Pay day

pay hour

CO. FILE DEPT CLOCK NUMBER 040
 SCR 006906 001 0000228747 1

T & H SECURITY INC.
 D/B/A CITADEL SECURITY AGENCY
 P.O. BOX 348
 BROOKLYN, NY 11209

Earnings Statement
 Period Ending: 01/18/2008
 Pay Date: 01/25/2008



CHARLENE JAMES
 115 CLAY AVE 5H
 BROOKLYN NY 10456

Taxable Marital Status: Single
 Exemptions/Allowances:
 Federal: 1
 State: 1
 Local: 1

Social Security Number: XXX-XX-XXXX

Earnings	rate	hours	this period	year to date
Regular	11.0000	48.50	533.50	
Gross Pay			\$533.50	533.50

Deductions	Statutory	
Federal Income Tax	-29.83	29.83
Social Security Tax	-33.08	33.08
Medicare Tax	-7.74	7.74
NY State Income Tax	-9.07	9.07
New York Ctl Income Tax	-5.75	5.75
NY SUI/SDI Tax	-1.20	1.20
Net Pay	\$446.83	

Your federal taxable wages this period are \$533.50